SHOOTING OF LARBIG.

et important trial for murder in the first tegree in Brooklyn for many years, that of Darwin J. ole for the shooting of Theodore W. Larbig on June 27, was practically begun yesterday in the Court of Over and Terminer, before Judge Edgar M. Cullen. af Over and Actions, was spent in getting a jury, and restorday was mainly devoted to the presentation of restorday was mainly devoted to the presentation of restorday was unainly devoted to the presentation of restorday was unainly devoted by Assistant Philipped Attorney John F. Clark. The evidence for the defence will be presented to-day. The prisoner is defenced by William J. Gaynor and Henry W. Slocum, the latter being one of his social companions, as give in the same neighborhood on the Hill.

Young Meserole, who east his first vote in 1889, but could not vote this year because he was behind bers in Eastmond Street Jail, was accompanied in court his parents. His father is General Jeremiah V. e, a member of one of the oldest families in a former commander of a militia regiment and brigade, and now president of the Williamsburg strings flank. Mrs. Meserole was dressed in mouraing, but her heavy crape veil was thrown back from Directly behind the prisoner, and near his sat Mrs. Dovie Forney Comstock, the cause She was accompanied by her father, W. Ferney. Mrs. Comstock's appearance has imrith a black eye and other marks of the abuse Larbig and subjected her to before he was shot by Mesorole, in er flat at No. 378 Sackett-st.

courtroom, Part I of the Supreme Court, was at to its utmost capacity, the gallery being crowded scene below. A number of well-known lawyers the proceedings, and Surrogate Abbott sat with Judge Cullen a part of the day, prisoner was taken into the courtroom a few ments before the hour for beginning the trial, and Meserole kissed his son when he came in-Meserole was too much overcome to greet her who was hargerd from confinement and dread of

The opening argument by Assistant District-Ator Clarke was a concise statement of the circumsetch. He detailed the circumstance of the association ig with Mrs. Comstock, whom he called an eventuress," who schemed to make the acquaintant of Larvig through his little boy. Later she made the ntance of young Meserole, the son of a wealthy fter he returned from Europe last sprin be went to five in a room in her flat. He had never larbig until the day of the shooting. On that e took Mrs. Comstock to Coney Island, and sen they returned he went to his room. Larbig enand the house and he and Mrs. Comstock quarrelled It appears," said Mr. Clarke, "that Larbig demander the picture of this woman. He probably saw that he had been duped. One of the principal witnesses ranted is a woman who lived with Mrs. Comstock, who is now missing. The pro-cousion will show that there was a quarrel in the flat, which was overheard through the airshaf , and after a threat ot, two shots were fired and Larbig was killed It will be shown that the two men were fully eight feet part when the fatal shots were fired." The first witness called was Samuel H. McElroy, a

gor, who identified a diagram of the rooms where dooding was done. Other exhibits shown later were the pistol with which the shooting was done two builets extracted from the dead man; his ullet-pierced and blood-stained clothing, and pieces of canton flannel upon which experiments had been nade to show at what distances powder marks from fring a pistol would show.

Dr. G. Warner Shepard, who has made some 6,000 ost-mortem examinations for the County Caroner, old of his examination of the body of Larbig, and One of the bullets entered the left side of the chest. The other bullet entered an inch lower down and passed through the left ventrick of the heart and lodged in the back. There was an straion on the face which was apparently produced by the fall of the body after the man was shot, Larbig a man of muscular build, strong and nuhletic, wighing nearly 200 pounds, and five feet eight inches He was somewhat inclined to corpulency.

The self-surrender of young Meserole and Mrs. Comsick at the Butler-st. police station was detailed by Police Captain P. H. Lravy. He said he was standing at the door of the station about 10 p. m., on time 27, when a young man, who proved to be serole, with Mrs. Comstock on his arm, approached said he had shot a man whom he did not know. Comstock also denied knowing him. They told shooting was done, and the witness tergeant Mande visited the place. They found the dead body of Larbig in a room in the flat. When he returned to the station the witness told Meserole that the man he had shot was dead, I peril of saying anything that could be used ag

Meserole said he had nothing to conceal, and told the story of the shooting. . He said that he was lying on his bed reading when he heard a quarrel between Mrs. Comstock and a man unknown to him, who had come in a few moments before. Mrs. Comstock came into his room pursued by the man, who caught her by He told the man to stop, and drawing his pistol threatened to shoot. The man let go and told him he would have him arrested for threatening his life, and then rushed at him and knocked him down. When he got up he fired two shots and the man fell to the floor.
Similar evidence about the finding of the body

given by Police Sergeant Mande, and in regard to the ces at the police station by Sergeant Walsh The latter said that Mrs. Comstock admitted to him that Larbig assaulted her by reason of jealousy. had a black eye and marks of fingers on her throat. The most interesting evidence of the day was given by

Mrs. Grace Greaton, who lived in the fourth that of the sacketi-st, house, three floors above Mrs. Comstock. she said she heard loud talking and went to the air shaft, with which the rooms of all the flats commuand heard distinctly a woman say "Don't point same, followed by the same man's voice saying "My God, don't shoot!" and another man's voice, " Two shots in quick succession followed. When sure that she could distinguish between a man's and woman's voice at the distance she was from Mrs. Evidence in regard to the ability from the first to the fourth flat by the air

Men were not engaged in a hand-to-hand conflict when shooting was done was developed when Dr. Walter E Eest, analytical chemist of the Board of Health. a put upon the stand to testify to experiments h made in firing a pistol at short range at pieces o onton flannel. He testified that there were no powtemarks on Larvig's waistcoat, and his experiment showed that there would have been if the shooting ad been done at a distance of less than eight feet In cross-examination was then begun. Mr. Gaynor wanted to know if the particles of powder would not othere more to new cloth than to the worn waistcoat. thought not. The adhesion of the par

The witness thought not. The adhesion of the particles did not depend on the surface fibre. The case for the prosecution was then closed.

Mr. Gaynor moved that a verdict of acquittal be watered. He made no argument and the motion was casted. A motion to dismiss all the indictments, except those for manishughter, was also denied and except those for the defence was then opened by Mr. Saynor. He said: "The later evidence presented by Episcention seems a refinement of science on which has to do not depend. In that struggle a question of a few feet in the distance at which the shots ware fired will not determine the guilt or innocence of this young man in the sight of God or of this court. There are things in this case which should make the old letter of the law at least as warm as Christian learts can make it."

Mr. Gaynor them went over the history of the case

there are things in this case whom another are things in this case whom hearts can make it."

Mr. Gaynor then went over the history of the case from his point of view and outlined the course of the tom his point of view and outlined the course of the wild Mrs. Comstock. When he returned from Europe, sherily before the killing, he had rented rooms of Mrs. Comstock, as he did not wish to go home to live. He was sick, and Mrs. Comstock cared for him. His liness was indeed due to himself, but he had subtreed for that and was not to be convicted of murder on that account.

The killing was in self-defence, and Meserole had a night to shoot a man who attacked a woman and himself in his own apartment. Larbig had not taken care of Mrs. Comstock, but annote her and was a hanger of Mrs. Comstock, but annote her and was a hanger of Mrs. Comstock, but annote her and was a hanger of Mrs. Comstock, but annote her and was a hove on about her house. The first meeting of the two men was friendly, but when Larbig came to the flat on the night of the killing he beat Mrs. Commodituded Meserole came to her assistance and threatened him if he did not desist. Then Larbig, who was a powerful man while Meserole was frail, threatened to dill both, and while trying to get away from him after naving rescued the woman, Meserole fired; the bistol. Mrs. Carpor then said that it was his purpose to Mr. Carpor then said that it was his purpose to.

o people.

On the carrier than said that it was his purpose to the Meserole the humiliation of himself telling the strength of the carcumstances before and at the time of the carcumstances before and at the time of the carcumstances.

The medical prefession, judiciary and clergy rec-mend Simmons Liver Regulater for all diseases aris-tion the liver and kidneys.

THE PROSECUTION TELLS THE STORY OF THE SHOOTING OF LARBIG.

the shooting. He did not mean to have him take the stand if the facts could be brought out otherwise; but if they could not be the prisoner would have to tell the story. He would show that the voice calling out not to shoot, which was heard by a neighbor, was that of Mrs. Comstock, who cried out as Larbig was chasting Mescrole around the flat.

At the conclusion of the opening address the court adjourned without examining any witnesses. The trial will probably be finished to-day.

#### CHARGES GROWING GRAVER.

TESTIMONY AGAINST A BROKER. HE IS ACCUSED OF TRYING TO BRIBE CUSTOMS

OFFICIALS.

Exceedingly interesting developments marked the hearing yesterday in the case of William Cutajar, Custom House broker at No. 55 Beaver-st., who is charged with making a false invoice of a shipment of cheese Lewis Perano, a grocer in Mulberry-st., is accused of complicity in the offence. It is charged that the two imported from Genoa last month on the Fulda, at 9,000 pounds less than the true figure. Commis-Shields conducted the examination, and As distant United States Attorney John O. Mott appeare for the Government, while Abram J. Rose represented Catajar, and Charles A. Hess, Perano. The first wit Otto Stoelzel, who testified that Cutajar had made affidavit to the pro forma invoices presented at

the Custom House. Thomas D. Hyatt, the next witness, had an ex ceedingly interesting story to tell. He is a United States weigher and was in charge of the Fulda's cargo

Did you know Cutajar before that time!" asked

"I met him on the day before Thanksgiving," swered the witness. "He came to me and said he vanted to talk with me about his cargo on the Fulda. He Said he would like to be favored as much as pe sible in connection with the cargo. I asked him how I could help him. He said that I could fix the tarand the net weight of the goods. I told him that it would be risky to change the documents after the goods had been weighed.

" 'Oh, you needn't weigh them,' he said. 'I control a lot of shipments on the Pulda, and this would be a good thing for you. I will give you \$800 when he documents are ready if you will bring them to my house in Brooklyn. We will fix them there.

" . Not at all,' he replied. 'The goods are re moved from the pier at once. But for God's sake. save my family if you don't enter the rcheme.' Cuta jar had in his memorandum-book the weights of the cases of cheese as he had given them at the Castom He fixed the weights of each case at from twenty to thirty pounds, when the true amounts were from 300 to 400 pounds."

Philip Daab, an assistant weigher, told an equalisimportant story. He said the Fulda arrived on No vember 22 at her pier in Hoboken, and the witnes was sent there to weigh the cargo two days later. There was one lol of cream cheese, forty cases of it, marked "L. P. Italy." The net weight was 10,247 pounds, the gross, 12,207 pounds. The shipment was taken from the pier that afternoon.

"A little later," the witness went on, "Cutajar came to the office of the cu-toms employes on the pier and asked for a weigher named Quigley He was told that Quigley had been transferred to Brooklyn, and seemed disappointed. As I was leaving the pier to go seemed disappointed. As I was leaving the pier to go home, he stopped me and asked me to take a drink with him. I accompanied him to a barroom and he wantel to open a bottle of wine. I insisted on drinking ginger ale, however. He then told me that some of his goods had been underweighed, and asked if I had weighed any cheese that day. I said I weighed a Signment of forty cases, marked 'L. P. Haly. He pulled out his notebook and said that he had put the weight of the lot at 1,007 pounds. I said that I had made it over 10,000 pounds. Cutajar then proposed to give me \$200 for Mr. Hyatt and \$1,000 for myself if we would have his importations. re would pass his importations."

The hearing was adjourned until Monday at 2 p. m.

# PROPERTY OWNERS CONSENT.

PAVORABLE NOTICES RECEIVED BY THE RAPID TRANSIT COMMISSION.

The members of the Rapid Transit Commission held another meeting yesterday afternoon to confine their efforts to locate the various stations along the route of the proposed road. The following consents for the construction of the road, with the site and estimated valuation of the property, have been received at the office of the commission:

office of the commission:

The Powers estate, Nos. 1,628 and 1,630 Broadway, \$20,000; Augusta P. Perry's estate, Ronkvard, \$40,000; Thomas H. O'Conhot, Boulevard, \$23,600; John Haffey No. 1,270 Broadway, \$40,000; Helen John Haffey No. 1,270 Broadway, \$48,000; Helen Wissmann, No. 732 Broadway, \$48,000; Thaddeus Moriarty, Boulevard, \$0,100; John P. T. Rooney, Boulevard, \$1,300; Edward Uhl, Boulevard, \$7,560; Henry B. Livingston and Margaret L. Lee, No. 512 Broadway, \$35,000; Ooo; ble Cammann estate, No. 572 Broadway, \$35,000; he Leocard Applesy estate, No. 1,164 Broadway, \$35,000; he Leocard Applesy estate, No. 1,164 Broadway, \$35,000; Mathias Rock, Boulevard, \$1,200; Daniel S. Sawson, Boulevard, \$7,000; Jeremish Devik, Boulevard, \$13,500; Samuel L. Laderer, Boulevard, \$5,000; Charles T. Wills, Loulevard, \$6,000; Charles T. Wills, Loulevard, \$6,000; Thomas W. Myers, Estate State Bre, \$25,000; Eleanor Jonasson, Fast Side Bre, \$20,000; Francis Boulsvard, \$17,000; Leo selhissinger, East side line, \$25,000; Eleanor Jonnsson, East side line, \$20,000; Prancis East Side line, \$25,000; Francis Elessing, East Side line, \$3,500; Robert Hughes, East Side line, \$3,500; Teresa Hughes, East side line, \$2,500; John M. Conway, Boul vard, \$6,500; Laptiste Meras, East Side line, \$25,600; Elliza A. Raisbeck, East Side line, \$25,000; Frank Lugar, East Side line, \$14,000; Charles W. Dayton, Nos. 5, 7, 0 and 11 Broadway, \$415,000; estate of James Russ II, No. 1,687 Broadway, \$9,000; R. T. Auchmut, Boulevard, \$11,000; Philip Fenring, Boulevard, \$3,300; Martha A. Leavitt, Boulevard, \$10,000; Sigmund Adler, East Side line, \$5,500; Oliver P. C. Billiurs, East Side line, \$20,000; George W. Walgreve, East Side line, \$13,000; Charles Graham & Co., East Side line, \$6,500; Ellon E. McCabe, East Side line, \$2,500; Ellon Russelline, \$15,000; James B. Brady, No. 1,512 Broadway, \$15,000; John S. Surphen, Nos. 1,571, 1,555 Broadway, \$25,000; J. J. Beglan, East Side line, \$12,500, and A. L. Myers, East Side line, \$4,500.

The next meeting will be heid on Friday.

### THE NEW-YORK STATE BOARD OF TRADE

The recently organized New-York State Board of Trade and Transportation has issued a call for the first regular annual meeting, to be held in the rooms of the Chamber of Commerce, in Albany, beginning or Wednesday, February 17, 1892. All the business as sociations of the state have been urged to send repre sentatives to the meeting. One of the most important subjects that will come up for discussion will be the question of a new trade-mark bill. Both Senator His cock and Congressman Fitch have expressed themselves us in sympathy with the objects of the pro-posed bill, and will introduce it in their respective houses if its details meet their approval after it is

All subjects suggested for consideration must be presented in writing to the secretary, Frank S. Gardner, No. 55 Liberty-st., not later than January 8, and will be printed in the programme of the meeting.

#### THE NATIONAL BAL ASSOCIATION TO MEET. Washington, Dec. 8.-The fourth annual meeting of

the National Bar Association will begin in this city to-morrow morning, and will continue for three days. The association was formed to unite the bar associations of the country in practical work and to promote the science of the law and the administration of ine science of the his and the administration of justice. It is purely representative in its membership, composed of delegates chosen from bar associations. The programme for to-morrow includes an address of welcome by Justice Harlan, of the Supreme Court, and the annual address of the president, Charles Marshall of Palifurge.

### A CHANCE TO LEARN BOOK KEEPING.

The Central Evening High-School, in East Sixty-third to those who wish to improve their education. Instruction is entirely free and students are allowed to join the classes A new class in bookkeeping has recently at any time. A new class in bookkeeping has recent been formed and an excellent opportunity is now offered those who may wish to take up without any expense to themselves. up this important subject

Hornby's Oats

Great workers wear outuse up blood and flesh. replenishes the waste

other known food.

power better than any

The digestible oat-food.

### ATHLETES THREATEN WAR.

TALKING OF LEAVING THE AMATEUR UNION.

BASEBALL MEN OF THE MANHATTAN CLUB WANT TO FORM A NEW LEAGUE.

That there is serious dissatisfaction among some of the athletic clubs over the manner in which the affairs of the Amateur Athletic Union are conducted, becomes more apparent each day. The Manhattan Athletic Club may be the first to break away from the great organization, and if the Cherry Diamond club does

cede, other formidable clubs will follow. baseball league of the Union was not so sucressful last season as was anticipated, and if a schism follows, the A. A. U. may have no baseball league next season. A meeting will be held next week for the purpose of combining the three strongest clubs in Union with the regular Amateur League. The latter, at present, is composed of the Staten Island A. C., the Crescent A. C., the Englewood Field Club and the Staten Island Cricket Club.

Alfred Chessand, the manager of the Manhattan aseball club, was seen last night and said: "Yes, such a scheme is proposed, and a meeting will be held n a few days to bring about such an object. Our lub has been invited to join the other league and will do it. A proposition has been sent to the New-York, New-Jersey and Orange Athletic clubs, and the chances are that some, and probably all, will accept. This arrangement would give New-York the strongest amateur baseball league ever organized. Each club would be allowed to employ professional pitchers and catchers, but the other seven places would have to be filled by amateurs."

Other prominent athletic men seen last night said hat if the break was made against the Union on baseball, it would be finally followed up by other departnents of sports. The larger clubs have wearied of being ruled by the smaller clubs, and the wealthier organizations do not propose to stand it much longer. case in point, frequently referred to last night, was he reinstatement of Meeks, the walker, who was said have been a full-fledged professional. Most of the larger club representatives voted against his reinstatement, but the smaller clubs outvoted their wealthier

President George W. Carr, when snoken to about the ubject, last night, said that the Manhattan Athletic This had taken no official action as yet about with-leaving from the Union. He said that the Board of Governors had not considered the question, but he could not tell whether the subject would come up at the

Secretary C. C. Hughes admitted that he had heard nany peculiar ramors, but he was sure that nothing ositive had been done as yet. He said, however, that f President Carr, at the coming meeting, should suggest The differences between the Manhattan Club and the

Yale and Princeton men over the Thanksgiving Day football game have not yet been settled. President Engene Richards, unofficially representing Yale, had a bulk over the subject. The idea is to have each college and the club to appoint an arbitrator and to settle the affair.

a tilk over the subject. The idea is to have each college and the club to appoint an arbitrator and to settle the affair.

The Cherry Diamond men feel that they have been unjustly accused about the receipts, but they do not like to antagonize the college interests. Captain Cornell safe that he can demonstrate to the colleges' satisfaction that everything was all right if he had a chance. Yale asserts that she can prove that a policeman was one of the schemers who passed men through the gates lilegally.

As announced in yesterday's Tribune, Secretary Charles J. Leach, of the 12th Regiment, has determined to uphold the Union in its squabble with the 7th Regiment. Mr. Leach called upon the secretary of the Union yesterday in regard to the matter, said he: "The 12th Regiment Athletic Club is a stanch member of the Amateur Athletic Club is a such will certainly uphold its mays to the best of its ability. Consequently all athletes who competed in the 7th Regiment pames—contrary to the warning of the Amateur Athletic Union—will be rejected. It is, of course, semewhat unpleasant to bar out these athletes, especially as some of them are old acquaintances, but if they break the laws they must stand the consequences."

The games of the 12th Regiment take place at the armory on Monday evening at 3 o'clock, and will be one of the largest meetings of the vear. Over 400 entries have been received, among which are nearly all the athletes of note in this neighborhood and many miles away. The contests are 60-yard dash, 200, yard hirdle. 300-yard run, one-mile run, one-mile walk, two-mile bicycle, all handicaps; one-half-mile novice, obstacle race and one half-mile heavy marching order. A reception follows the games.

Concord, N. H., Dec. 8 .- The hearing in the Sawtelle cribed the condition of Hiram's head when found, the nature of the bullet wound, etc. He said the body could not have been taken from the hole from which the head was removed. Witness had the skull with him in court. Henry F. Walker, of Rochester; Nathaniel N. Hurd and R. H. Goodwin, of Berwick, Me., who were present in Berwick Woods last Saturday when the head was found, testified in detail in relation thereto, being guided in their search by the plan given by Isaac to his counsel. The defence rested here, reserving the right to introduce more evidence, dence was offered in support of the theory of the State

grapine minates was resumed. The plan of the local ity where the head was buried, with the description given by Isaac sawtelle to his counsel, was introduced and submitted to the court. Dr. Conn said that he could not tell whether there were any teeth in the upper jaw. The evidence was all closed at this point and ess taken until 8:30 a. m. to-morrow, when Mr Edgerly will argue for Sawtelle and Attorney-General

Mrs. Hiram Sawtelle arrived here to-night in re sponse to a telegram from County Solicitor Kivel. She says that her husband did not have artificial teeth, but that his upper teeth were all right. As Dr. Grant, in that his upper teeth were all right. As Dr. Grant, In his testimony to-day, said that when he saw the skull after it was found in Berwick last Saturday there was no indication of teeth in the upper law, the question has been raised in some quarters to-night whether or not the skull was really Hiram's. No evidence was presented to the court identifying the remains as those of Hiram. The opinion is general to-night that the court will deny Sawtelle's petition.

### MEETING OF THE BAR ASSOCIATION.

The Bar Association held a meeting last night and ected the following new members : Edward F. Dwight, Kip, Everett V. Abbot, Christopher G Tiedeman, James E. Kelly, John C. Thomson, Angel J. Simpson, William T. Tomlinson, James A. Van Wage-nen, Charles A. Ludington, George W. Kirchwey, Francis M. Burdick, Walter Large, George Chase, John Loveland, Franklin W. Moulton, Francis Volney the election of officers for the year 1892 will be hold on the second Tuesday of January, and last night the following members of the committee to nominate officers were elected: Hamilton Odell, Henry R. Beekman, William B. Hornblower, Daniel G. Rollins, William G. Wilson, Daniel J. Holden, Ernest G. Stedman, Stephen H. Olin and George C. Holt.

The members of the auditing committee who were elected were Edward Mitchell, William P. Dixon and E. Francis Hyde. The Inspectors and canvassers of the election last night were G. Willet Van Ness, Manning G. Wells and Walter Trimble.

THE BLAME FOR THE PENNINGTON COLLISION.

Trenton, N. J., Dec. 8 (Special).-The inquest held at the courthouse here to-day to determine the responsibility for the collision on the Philadelphia and Reading Railroad near Pennington last Thursday even-ing resulted in the airest of Robert Riley and Lewis W. Leonard, the conductor and engineer respectively of the gravel train that blocked the way of the fast express. The jury found that Biley and Leonard were

personally responsible, and that the management of the Philadelphia and Reading was culpably negligent in not protecting both ends of sidings with elevated There was a great throng of railroad men signals. in court and the verdict produced a sensation. Riley and Leonard admitted that they had disobeyed the rules of the company fit not clearing the way ten minutes for the passenger train and in not taking the east end of the siding instead of the west. Conductor Riley said that there was a coal train on the siding ahead of his train and that his object was to push out in advance of it. Daniel Garvey, the brakeman, said that he saw the passenger train approach and signalled it with a white light. Riley and Leonard furnished bail in the sum of \$1,000 each to await the action of the Grand Jury.

FOUNDER BRADLEY ANXIOUS TO SELL OUT. Asbury Park, Dec. 8.—James A. Bradley, founder of Asbury Park, is evidently getting tired of fighting the runsellers of his temperance town, and wants to get away from here. A special meeting of the borough commissioners was held last night, when he submitted a proposition to sell to the town the bathing houses and Roman baths, Sunset and Deal lakes, two valuable streams of water in the heart the town, the entire sewer system and his interest in F. Booss & Bro., 449 Broadway, are exhibiting novelties in Fur Garments. They have the most exquisite designs in Seal Shoulder Capes. Millitary Capes, Recfers, Jackets and they have the furn Their manuar are very modurate.

Chickering

ONLY RECIPIENT OF CROSS O LEGION OF HONOR AND GRAND GOLD MEDAL AT PARIS EXPOSITION-USED EXCLUSIVELY IN THOMAS, GILMORE AND SEIDL CONCERTS AT MADISON SQUARE GARDEN, AND IN SEASONS '90. '91, '92 OF BOSTON SYMPHONY OR-CHESTRA IN NEW-YORK. Pronounced by LISZT, GOTTSCHALK and DE PACHMAN

For sale, cash or easy instalments; also for rent. A small stock of second-hand planes to be had at very reasonable prices. CHICKERING HALL, 5th Av. 18th St., N. V.

he instrument that comes nearest

the bridges connecting Asbury Park with Ocean Grove Mr. Bradley is anxious for the town to secure these belongings, and only places a single restriction upon the sale, that being that the beach be kept forever free from nuisances and fakirs. The ssioners will have the proper legislation passed enabling them to bond the town for the amount required. The price set by Founder Bradley he con siders to be extremely low, as he had offers of as much as \$300,000 for the beach alone, from New-York capitallists, who wanted it for speculation purposes. The beach is, without doubt, one of the finest along the New-Jersey coast.

#### LAUNCH OF THE GUNBOAT MACHIAS.

A BIG GROWD SEES HER SLIDE INTO THE WATERS OF THE KENNEBEC

Me., Dec. 8 (Special).-The United States guibont Machins was launched from the yard of the Bath Iron Works at 4 o'clock this afternoon. This being the first iron vessel ever built in Maine, it naturally attracted much attention and brought to hundreds of visitors from all over Maine. At 3:30 o'clock the yards and shops were black with The adjoining wharves were also crowded. and half an hour later nearly 8,000 persons were waiting to see the vessel start and to cheer her on her way. At the bow had been built a christening stage, in which were seated General Hyde, president of the company his family and a few invited friends, among them being Governor Burielgh, ex-Governor Robie, Mayor Twitchell, of Bath; Judge Libby and J. H. Manley, of

As the vessel started down the ways Miss Ethel, the eldest daughter of General Hyde, broke a bottle of American champagne over her bow, and said: christen you Muchias, named in honor of the first naval battle fought by the sons of the American Colonies for their liberty and independence." At first the vessel stuck and moved only a few inches at a time, but at last she trembled and slid rapidly down the ways, making as handsome a launch as was ever seen in Bath. The crowd cheered, the whistles were blown and proudly the Machins floated on the waters of the Kennebec. No other incident in Bath ever drew such a crowd. Naval Constructor Cranscom had charge of the launching. He has received many compliments

for the manner in which it was conducted.

The vessel will receive her machinery and finishings at the wharf of the company, and will not be ready for sea for some months yet. Cruiser No. 6, a sister ship to the Machias, will not be launched until early in the spring. The Cumberiand Cub of Portland and the Maine branch of the Loyal Legion were present as the guests of General Hyde. This evening the Sagadahoe Cub of Bath gave a complimentary dinner to these two organizations. sea for some months yet.

#### ARMY AND NAVY INTELLIGENCE.

Washington, Dec. 8.-Leave of absence for ten days s granted First Lieutenant Farker W. West, 3d Cavalry Leave of absence for three months and fifteen days is granted Second Lieutenant William T. Wilder, 19th Infantry.

The following transfers in the 3d Artillery are made: econd Lientenant John K. Cree, from Eattery A to Battery B. Second Lieutenatti James Hamiltoti, from

Captain Ezra P. Eweis, 5th Infantry, will report to the superintendent of the recrniffing service for duty at David's Island, New-York Harbor. This detail is made with a view to a tour of duty for two years. First Lleutenant George Andrews, 25th Infantry, will report to Lieutenant-Colonel John C. Bates, 20th Infantry, president of the examining board at Fort Assinniboine, Mont., for examination for promotion.

By direction of the President Lieutenant-Colonel Francis H. Parker, Ordnance Department, is detailed as a member of the Board of Ordnance to test rifled on. Major James W. Rellly, Ordnance, Depart ment, is detailed as a member of the board of officers to recommend a suitable magazine system for rifles and carbines. Major Richard S. Vickery, surgeon, is detailed as a member of the examining board at Fort Monroe, Va., vice Major Curtis E. Munn, surgeon, re-Lieutenant Richard T. Mulligan has been ordered

to duty in the Eurean of Navigation. The training-ship Jamestown arrived at Norfolk to-day. The Atlanta and Bennington arrived at Fortress Manne yesterday. The departure of the line Second Division these decisions were handed be delayed a few days by reason of a change of com-manders. An order was issued to-day relieving Capain J. W. Philip from command of the vessel and ordering Caplain J. F. Higginson to that duty. Lieu-tenant T. B. M. Mason has also been detached from the Atlahia.

The Navy Department was to-day informed of the arrival of the Lancaster at Batavia, Java, on her way to China.

## SUICIDE OF A FOURTEEN-YEAR-OLD BOY.

Vineland, N. J., Dec. 8 .- Alonzo, the fourteen-year old son of George Capen, disappeared vesterday from his home, but his parents made no search for him, sun-nosing he had gone to spend the night with friends This morning his mother found him hanging from a rafter in the barn, dead. His parents can assign n reason for the boy's rash act.

### THE WEATHER REPORT.

WARM OVER MOST OF THE COUNTRY.

Washington, Dec. 8 .- The pressure continues unusual w north of the lake regions and thence westward to the low north of the lake regions and thence execute to Pacific Coast; but the barometer has risen during the day in the extreme Northwest and fallen in the lake regions and the St. Lawrence Valley; there southwesterly gales con-tinue, with fair weather. The disturbance is apparently moving eastward to the north of Lake Superior, while the secondary disturbance continues central north of Montana. Fair weather has prevailed in all districts east of the Rocky Montatine, and general rain, are reported from the Pacific Coast as far south as Sun Francisco. The day has been from 10 degrees to 20 degrees colder on the Affinic Coast and warmer in all other sections. The indications are that on Weinesday and Thursday the weather will be warmer in the Southern, Middle and New England States and the Ohio Valley, and fair weather in the Southern States and the Ohio Valley, and fair weather till Wedne day night in New-England the the Middle Atlantic Coast States.

FORECAST TILL S P. M. WEDNESDAY.

For New-England, warmer, fair weather; southwesterly winds, increasing to gales on the coast.

For Eastern New-York, Eastern Pennsylvania, New Delaware, Maryland and Virginia, fair weather

For the Carolinas, Georgia, Western Florida and Alanama, warmer and fair Wednesday and Thursday, except For Mississippi, Louisiana, Eastern Texas, Arkansas, annessee and Kentucky, warmer and fair Wednesday and

Tennesser and Western Pennsylvania and Western For West Virginia, Western Pennsylvania and Western New-York, warmer and fair.
For Ohio, Indiana, Illinois and Wisconsin, warmer and For Kansas, fair; warmer in the east.
For Michigan, Wisconsin and Minnesota, fair and

For Nebraska, fair; warmer in the southeast. For lowa, generally fair and warmer. For North Dekota, generally fair; colder by Thursday orning.
For South Dakota, fair Wednesday; occasional rains hursday; colder by Thursday morning.

TRIBUNE LOCAL OBSERVATIONS.



In this diagram a continuous white line shows the changes in pressure, as indicated by The Tribune's self-recording barometer.

The broken line represents the temperature, as observed at Perry's Pharmacy. Tribune Office, Dec. 9, 1 a. m .- Fair weather prevaile

yesterday, with southwesterly winds and a rather dry air.
At 8 a. m. the Weather Bureau's record of humidity was.
63, and at 8 p. m. it was. 65. The temperature ranged between 34 and 41 degrees, the average (37%) being 104 higher than on the corresponding day last year, and 9% lower than on Monday.
In and near this city to-day there will probably be warmer, fair weather.

One thing is Certain-PainKillerKillsPain There are many kinds of Pain. There's only one Pain Killer (Perry Davis') It is sold everywhere. Buy right new, and be prepared.

THE COURTS.

THE TILDEN CASE NOT TO BE REARGUED. DECISION OF THE COURT OF APPEALS ON THE

RECENT MOTIONS. Albany, Dec. 8.—In the Tilden will case, in the cond division of the Court of Appeals to-day, the motion for reargument and the motion to amend remittitur

were desied without costs.

There was no opinion handed down with the decision. The judges simply desied the motion for resurgument by the same vote as that by which the former decision of this court was rendered, except that Judge Potter, who has gone off the bench, did not vote on this motion. The former decision of the court was made by a vote of 4 to 3. The reargument motion was desied by a vote of 4 to 2. Judges Bradley and Vann being the two who favored a reargument.

The decision of the Court of Appeals denying the

notion for a reargument of the Tilden will case "a eccived with regret in this city yesterday. ecision closed the last avenue of appeal in the great contest. The residuary estate, which under the will of Governor Tilden was to be devoted to the establishment of a free library and reading-room in New-York City, will now be distributed as follows: For the library about \$2,000,000 will be available, through the compromise made with Mrs. William A. Hazard, who was the heir-at-law to one-half of the residuary estate; Mrs. Hazard, whose husband is a member of the firm 29 Brondway, will get \$975,000 under the terms of the compromise which was arranged with the executors of the will several months before the decision of the Court of Appeals; the other half of the residuary estate will go to the six children of Henry A. Tilden, a brother of Samuel J. Tilden, who will get something over \$500,000 each. These children are George H. Tilden, who was the actual plaintiff in the suit, and Samuel J. Tilden, jr., manufacturers of chemicals and patent medicines at New-Lebanon, Columbia County; Ruby S., the wife of Willis I. Payne, formerly superir tendent of the State Banking Department and now president of the State Trust Company, at No. 50 Wallst.; Susan G., who is the wife of Charles B. Sabin, a member of the Produce Exchange; Mrs. William B. Whittlesey, whose husband is engaged in the iron trade at New-Lebanon, and Mrs. Swan, a widow, who lives with her son at New-Lebanon.

It will undoubtedly take several months the residuary estate in shape for distribution. In the meantime the trustees of the Tilden Trust will decide how they can best use the \$2,000,000 which is to come to the city. These trustees are John Bigelow. Andrew H. Green, George W. Smith, Alexander E. Orr and Stephen A. Walker.

The suit against the trustees to set aside the residuary clause was begun in 1886. In January, residuary clause was begun in 1886. In January, 1889, Judge Lawrence, before whom the case was first tried, decided in favor of the validity of the clause, An appeal was taken to the General Term of the supreme Court, which in November, 1889, reversed Judge Lawrence's decision and granted a new trial. The new trial was before Judge Miles Beach, who gave Judgment in favor of the heirs. The judgment was confirmed by the judges of the General Term. The case was then taken to the Court of Appeals, where it was argued last June. The decision of the court setting aside the trust clause was given on October 28.

COURT OF APPEALS DECISIONS. SEVERAL HANDED DOWN IN EACH DIVISION-

CASES ARGUED. Ashany, Dec. 8.—The following decisions were

anded down in the Court of Appeals this morning: anded down in the Court of Appeals this morning:

B. Mattice agt. Henry Wilcox, appellant; F. P. Vilcox agt. City of Rochester, appellant; A. A. Wicks, t. al., appellants, agt. A. D. Thompson. Judgmens filtrined, with costs.

Citizens' Bank, of Perry, N. Y., agt. Helen A. Villiams and another (three cases). Motion of plaintiff cented, with \$10 costs; motion of the defendants for return of the remittitur in each case granted, with 10 costs.

0 costs.
L. H. Carpenter, et al., agt. C. A. Carpenter, et Motion that appeals be heard together granted

L. H. Carpenter, et al., age. A. Andrews al. Motion that appeals be heard together granted without costs.

Hiram Gilmore agt. City of Utica. Motion to add to calendar granted, and cause added at foot of present calendar.

A. M. Hunter agt. Clars L. Walter, et al., appellants; Alexander T. Compton, appellant, agt. The Cheisea. Motion for reargument denied, with costs.

The People ex ref J. Andrews agt. J. C. McGuire. Motion for reargument denied, with \$10 costs.

Roxanna H. Lawrence, executix, etc., agt. Henricata Church, executix, etc. Motion to amend remittiar; ordered that the Supreme Court be requested to return remittiar herein to this court: and, when so returned, it is further ordered that the remittitur be amended, by providing that the judgments of the General tad Special Terms be reversed and a new trial ordered, unless the plaintiff stipulates and consecuts that the original judgments against the defendant be modified by deducting therefrom all sums excepting the amount of \$3,000, with interest thereon from the commencement of this action, and, in case the plaintiff so consents, then the judgment so modified is alligned, without costs to the plaintiff in any court.

The following cases were argued:

C. D. Fisher, et al., appellants, agt. Mary C. E. Fisher, et al., respondents. Submitted.

C. C. Leary, as administrator, etc., et al., appellants, agt. Henrietta Hutton, et al., respondents.

Katle T. Schermerhorn and another as executors, etc., respondents, agt. C. U. Cotting, as trustee, etc., impleaded, etc., with others, appellant.

Sins L. Griffiths, appellant, agt. Andrew H. Green, et al., respondents.

et al., respondents.
J. J. White, respondent, agt. G. C. Wood, et al.,

down:
George H. Tilden, agt. Andrew H. Green, et al., appellants. Motion for reargument and motion to amend remittitur denied, without costs.
Frederick H. Smith, Jr., ag., "rancis W. Savin, et. at., appellant. Motion for Jay, at by the appellant of the costs of appeal and sio costs of this motion. otion.

Amelia Vredenburgh, agt. the New-York Central dilroad Company, appellant. Motion denied, with-

Railroad Company, appendict out costs. Cyrus L. Angell, agt. William Van Schaick, et. al. Cyrus L. Angell, agt. William Van Schaick, et. al. Motion to return remittitur to Supreme Court granted,

Cyms L. Angell, agt. winners without costs.

Motion to return remittitur to Supreme Court granted, without costs.

Edwin F. Rabbase, appellant, agt. D. W. Powers; Elizabeth C. Bartlett, agt. New-York and South Brooklyn Ferry and Steam Transportation Company, appellant A. Weston and another, agt. L. Reich. Judgment affirmed, with costs.

Morris Steinhardt, appellant, agt. Edward Cunningham. Order affirmed and judgment absolute rendered against appellant, with costs.

Lewis E. Waterman and another, appellants, agt. E. L. shipman and another. Judgment reversed and new trial granted, with costs to abide event.

The following cases were argued in the Second The following cases were argued in the Second

C. H. Wilson, respondent, agt. the Brooklyn Elevated C. H. Wilson, respondent, agt. Railrond Company, appellant.
C. A. Post, respondent, agt. W. A. Simmons, ct. al., appellants.
Haunah C. Erink, respondent, agt. the Guaranty Mutmal Accident Association, Arthur S. Luria, receiver, appellant. B. Hodgkins, respondent, agt. Sarah F. Mead,

The day calendars for to-morrow are as follows: First Division—Nos. 185, 202, 127, 129, 164, 204, 206 and 211.

Second Division—Nos. 545, 547, 536, 532, 523, 549, 550 and 551.

LITIGATION AFFECTING THE PLAZA HOTEL. ADDITIONAL TESTIMONY GROWING OUT OF THE ANDERSON WILL CASE The suit of Laura V. Appleton against the New-

York Life Insurance Company, to establish her right to a part of the property now occupied by the Plaza Hotel, was continued before Judge Patterson and a jury in the Supreme Court yesterday. Mrs. Appleton sues as the heir of her father, John Anderson. By John Anderson's will, the bulk of his property was bequeathed to his son, John Charles Anderson, and Mrs. Appleton received the income on \$50,000. She now brings this ejectment suit, and in it is involves the validity of the will of her father. The jury was secured on Monday and the case was onened vesterday morning by Colonel E. C. James, for the plaintiff. The evidence yesterday was exclusively concerning the value of the Plaza Hotel property. James Campbell, value of the firm of Phyfe & Campbell, testified that his firm bought the lot from John Charles Anderson. The New-York Life Insurance Company bought the site for \$905,000. William B. Hornblower opened the case for the defendants, and the witnesses they brought forward were Thomas Mclaze, William Mende and Edwin Martin. These three men testified concerning the present value of the property. bequeathed to his son, John Charles Anderson, and

BITS OF LEGAL NEWS.

Minnie A. Duggan recovered a verdict for \$450 from a jury before Chief Judge Ehrlich, in the City Court, yesterday, against Dr. Jacob A. Comins, for shander, The plaintiff worked for Dr. Comins as a cook, at No. 13 West One-hundred and-twenty-second-st., and he charged her with stealing apples, butter and cheese.

Presiding Justice Van Brunt, of the Supreme Court, yesterday placed the ball of Joseph Barondess at \$1,000.

BUSINESS IN THE SUPREME COURT. Washington, Dec. 8.—The Supreme Court of the United States transacted the following business to-day: No. 1.208-James E. Boyd, plaintiff in error, agt the State of Nebraska, ex ret. John M. Thayer. Argued. Adjourned until to-morrow at 12 o'clock. The day call will be as follows: Nos. 5, original, 1026, 1191, 1296, 48, 420, 121, 122, 123 and 124.

COURT CALENDARS FOR TO-DAY. COURT CALENDARS FOR TO-DAY.

Supreme Court-General Term--Recess continued.

Supreme Court-General Term--Recess continued.

Supreme Court-General Term--Part II—Before Beach, J.

-Nos. 901, 903, 198, 773, 693, 792, 664, 857, 340, 34,

-Nos. 901, 903, 198, 713, 693, 792, 664, 857, 340, 34,

808, 803, 796, 235, 1153, 893, 853, 470, 885, 885, 890,

890, 900, 914, 915.

Supreme Court-Special Term-Part II—Before Lawrence,

J.—Class on Copplet vs. Hollins. No calendar.

Supreme Court-Circuit-Part II—Before Truax, J.—Nos.

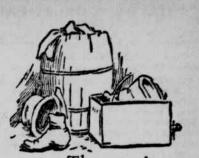
802, 2925, 7647, 1118, 1117, 882, 740, 4015, 1108, 616,

2028, 2929, 990, 463, 411, 1192, 1103, 1137, 182, 890,

792, 787, 337, 3368, 1105, 1011.

Buaroms Court-Circuit-Part II—Before O'Brion, J.—

Buaroms Court-Circuit-Part II—Before O'Brion, J.—



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Beware of Imitations. JAMES PYLE, N. Y.

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In the Second Division these decisions were handed The Largest Assortment of Unset Diamonds and Division these decisions were handed The Largest Assortment of Unset Diamonds and Division these decisions were handed The Largest Assortment of Unset Diamonds and Division these decisions were handed The Largest Assortment of Unset Diamonds and Division these decisions were handed The Largest Assortment of Unset Diamonds and Division these decisions were handed The Largest Assortment of Unset Diamonds and Division these decisions were handed The Largest Assortment of Unset Diamonds and Division these decisions were handed The Largest Assortment of Unset Diamonds and Division these decisions were handed The Largest Assortment of Unset Diamonds and Division these decisions are proposed to the United States and Division the Unset Diamonds and Division the Un GOODS SENT ON APPROVAL TO RESPONSIBLE

58 NASSAU-ST. AND 29 MAIDEN LANE, NEW-YORK WHY SUFFER WITH PILES? Instant reef, positive cure. Sealed particulars sent to any Room 411, 136 Liberty-st., New-York City.

Case on : Bernstein vs. D. D. E. B. & B. R. R. Co. No cakendar.

Supreme Court—Circuit—Part III—Before Patterson, J.

—Case on: Appleton vs. New-York Life Insurance Com-pany. No calendar.

Supreme Court—Circuit—Part IV—Adjourned until De-No calendar.
Supreme Court-Circuit-Part IV-Adjourned than Supreme Court-Circuit-Part IV-Adjourned than 1891.
Supremete's Court-Before Ransom, S.-Wills of Alfred Surrogate's Court-Before Ransom, S.-Wills of Alfred Callow and Richard S. Newcombe at 10:30 a.m. For callow and Richard S. Newcombe at 10:30 a.m. For robate Wills of Piete C. Stoidt, Peter B. Amory, Henri Prop. 10 a.m.; Margaret Pendergrast, Casper Hirter, A. Bunz, Matilda Moore and Katherina Gettel, 10:30

tions.

Superior Court—Equity Term—Adjourned for the term.
Superior Court—Trial Term—Part 1—Before S-dgwick,
C. J.—Nos. 14th, 1663, 789, 1645, 529, 2258, 14tl, 1412.
Superior Court—Trial Term—Parts II and III—Adjourned
for the term.
Common Pleas—General Term—Adjourned until January

1892.
Common Picas—Special Term—Before Bischoff, J.—No. 6.
Common Picas—Equity Term—Fefore Gookstaver, J.—
os. 61, 21, 272, 42, 58, 25, 34, 392, 41, 62, 67.
Common Picas—Trial Term—Part I—Before Giegerich, J.
Nos. 1337, 773, 1354, 1088, 1264, 1229, 1184, 951, 1134,
5, 1239, 936, 1193, 1252, 882, 861, 1051, 1311, 1026,
2, 960, 1031, 1291, 618, 772, 1076, 505, 1318, 1059,
66. Common Pleas-Trial Term-Part II-Before Daly, C. J.

-Cases to be sent from Part I.

Common Pleas-Trial Term-Part III-Before Pryor, J. Common Pleas—Trial Term—Part III—Before Pryor, J— Cases to be sent from Part I. City Court—Special Term—Before Fitzsimons, J.—Me

Cases to be sent from Part I.—Before Fitzsimons, J.—Metions.
City Court—Trial Term—Part I.—Before Newburger, J.—Nos. 3886, 3178, 2107, 6311, 4568, 4069, 4557, 4548, 4548, 4832, 4833, 4833, 4836, 4836, 4836, 4838, 4836, 4841, 4842, 4844, 4849, 4855, 4836, 4881, 4894, 4884, 4845, 4857, 4859, 4873, 4873, 4881, 4883, 4886, 4884, 4867, 4869, 4873, 4731, 4726, 4729, 4730, 4731, 4732, 4733, 4735, 4736, 4737, 4745, 4745, 4747, 4748, 4751, 4753, 4759, 4769, 4769, 4761, 4762, 4769, 4777, 4777, 4777, 4781, 4783, 4784, 4784, 4785, 4789, 478

inclusive.

Court of General Sessions—Part III—Before Martine, J.,
and Assistant District-Attorney Davis—Nos. 1 to 8. in-

AN APPEAL FOR THE STARVING RUSSIANS.

St. Paul, Minn., Dec 8.-Governor Merriam to-day issued a circular letter, many thousand copies of which will be mailed throughout the State, setting forth the destitution which exists in Russia, and asking that people who are blessed with homes, goods and money and can look forward to continued prosperity do all in their power to mitigate the terrible sufferings of these poor starving Russians.

HE HAD A SPIRITUALISTIC FUNERAL. Spiritualistic services were held last night for William

Spiritualistic services were held last night for William Ransom Romaine at his home, No. 61 West Thirty-Ath-st. Mr. Romaine, who was a well-known lawyer, had been ill for a long time, and was a firm believer in spiritualism. Many spiritualists were present last night, and the coffin, which was placed in the drawing-room, was covered with white flowers. Mrs. Nelle Brigham gave an address in white flowers. Airs, Selie Brigain gave in address in which she dwelt on the fact that the man proper had only left his tenement of clay, and was doubtless in a happier sphere, looking down on his widow and the friends he had left ochind him. She was followed by Wilson McDonald. Some spiritualistic hymns and "Lead Kindly Light".

The hand will take place for day at the content of the content o closed the ceremony. The burial will take place to-day at Greenwood. Among those who were present were Mar-shall Good. Counseller W. Gleason, Captain J. Rird, Joseph

For Christmas include a pack of the Triton brand "Squeezers" playing cards.